

**ENTERED**

July 15, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

CAITLYN ROSE EICHMANN,

§

Plaintiff,

§

VS.

§

3:24-cv-106

§

THE UNIVERSITY OF HOUSTON  
SYSTEM and FELIPE EDUARDO  
HARKER,

§

§

§

§

Defendants.

§

**ORDER**

Before the court is defendant University of Houston System's ("UHS") motion to dismiss plaintiff Caitlyn Rose Eichmann's claims against UHS. Dkt. 4. The court will grant the motion.

Eichmann alleges that Felipe Eduardo Harker sexually assaulted her in March 2022 when they were both UHS students. Dkt. 1. She filed this suit in April, bringing claims against Harker for sexual assault and against UHS for negligence under the Texas Tort Claims Act ("TTCA") and for violation of Title IX. *Id.* UHS has moved to dismiss both of Eichmann's claims against it. Dkt. 4. She has not responded to UHS's motion, though her deadline to do so was July 5th.

First, UHS argues that “Eichmann’s negligence claim under the TTCA does not trigger a waiver of UHS’s entitlement to sovereign immunity.” *Id.* at 5. Second, UHS argues that Eichmann’s negligence claim against it is time-barred because it accrued when the alleged sexual assault occurred. *Id.* at 7–8. Third, UHS argues that Eichmann failed to state a Title IX claim against it because (1) she “has not alleged facts showing that UHS was deliberately indifferent to her sexual[-]assault allegation,” and (2) her “complaint does not contain factual support establishing that she suffered ‘pervasive’ harassment.” *Id.* at 8–14.

Given the strength of UHS’s arguments and the lack of a response from Eichmann, the court dismisses Eichmann’s claims against UHS without prejudice.

Signed on Galveston Island this 15th day of July, 2024.

  
\_\_\_\_\_  
JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE